

Remarks

Claims 19-31 and 33-40 are pending in this application. Claims 19 and 40 have been amended, claim 21 has been canceled herein without prejudice, and new claims 41-57 have been added. Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks.

Rejection of Claims 19-31 and 33-40 Under 35 U.S.C. § 112

Claims 19-31 and 33-40 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 21 has been canceled herein, such that the rejection of this claim is now moot.

Applicants appreciate the Examiner's suggested text for amending the claims to overcome this rejection, and independent claims 19 and 40 have been amended to further clarify the sequence of the growth medium and differentiation medium and the distinction therebetween. In particular, claims 19 and 40 now recite "the differentiation medium having a lower serum concentration than the growth medium." As stated in the specification at p. 11, lines 10-13, the switch from growth medium to differentiation medium to induce construct formation according to the present invention likely results in "a decrease in the production of ECM and/or the proliferation of the fibroblasts when placed in the low serum differentiation medium, as the concentration of serum has been shown to affect both quantities." Therefore, claims 19 and 40 are believed to overcome the rejection under 35 U.S.C. § 112, and Applicants respectfully request reconsideration and withdrawal of the rejection of these claims, along with their corresponding dependent claims.

New claims

New claims 41-57 have been added to further define the invention. Claims 41-55 depend from and contain all the limitations of independent claim 40, wherein these new claims find support in current claims 20-39 depending from independent claim 19. New claims 56 and 57 depend from and contain all the limitations of claims 40 and 19, respectively, and

support for these claims can be found, for example, at p. 11, lines 7-10 of the specification. No new matter has been entered. Accordingly, these claims are also in condition for allowance.

Conclusion

In summary, Applicants believe that the claims meet all formal and substantive requirements and that the case is in appropriate condition for allowance. Accordingly, such action is respectfully requested. If a telephone conference would expedite allowance of the case or resolve any further questions, such a call is invited at the Examiner's convenience.

No fees are believed to be due in connection with this paper. Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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